



April 3, 2009

ENGROSSED SENATE BILL No. 174

DIGEST OF SB 174 (Updated March 31, 2009 1:35 pm - DI 107)

Citations Affected: IC 26-2.

Synopsis: Repossession of motor vehicles. Provides that a person who repossesses a motor vehicle or watercraft must, either before repossessing the motor vehicle or watercraft or not later than one hour after repossessing the motor vehicle or watercraft, provide the appropriate sheriff's department with: (1) the identity of the repossession agent; (2) a description of the motor vehicle or watercraft; (3) the name and address of the person believed to be in possession of the motor vehicle or watercraft (or believed to have been in possession of the motor vehicle or watercraft); and (4) the address where the motor vehicle repossession agent found the motor vehicle or watercraft, or believes that the motor vehicle or watercraft will be found. Makes failure to notify a Class C infraction.

Effective: July 1, 2009.

**Arnold, Charbonneau, Steele,
Randolph, Skinner**

(HOUSE SPONSORS — HERRELL, STEUERWALD, VANDENBURGH)

January 7, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

January 27, 2009, reported favorably — Do Pass.

January 29, 2009, read second time, ordered engrossed. Engrossed.

February 2, 2009, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 25, 2009, read first time and referred to Committee on Judiciary.

April 2, 2009, amended, reported — Do Pass.

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ES 174—LS 6640/DI 106+



April 3, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 174

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 26-2-10 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]:

4 **Chapter 10. Repossessing Motor Vehicles or Watercraft**

5 **Sec. 1. As used in this chapter, "motor vehicle" means a vehicle**
6 **that is self-propelled.**

7 **Sec. 2. As used in this chapter, "motor vehicle repossession**
8 **agent" means a person who physically repossesses a motor vehicle**
9 **or watercraft on behalf of another person or on the person's own**
10 **behalf.**

11 **Sec. 3. As used in this chapter, "repossess" or "repossesses"**
12 **means to take possession of personal property used as collateral**
13 **under IC 26-1-9.1-609.**

14 **Sec. 4. As used in this chapter, "sheriff's department of the**
15 **county" includes a consolidated law enforcement department**
16 **established in IC 36-3-1-5.1.**

17 **Sec. 5. As used in ths chapter, "watercraft" has the meaning set**

ES 174—LS 6640/DI 106+



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1 forth in IC 9-13-2-198.5.

2 Sec. 6. (a) A motor vehicle repossession agent who repossesses
3 or intends to repossess a motor vehicle or watercraft must provide
4 the following information, if available, to the sheriff's department
5 of the county having jurisdiction in the location where the motor
6 vehicle repossession agent believes that the motor vehicle or
7 watercraft will be found:

8 (1) The identity of the repossession agent.

9 (2) A description of the motor vehicle or watercraft.

10 (3) The name and address of the person believed to be
11 currently in possession of the motor vehicle or watercraft (if
12 the repossession has not yet occurred), or believed to have
13 been in possession of the motor vehicle (if the repossession has
14 already occurred).

15 (4) The address where the motor vehicle repossession agent
16 believes that the motor vehicle or watercraft will be found (if
17 the repossession has not yet occurred), or the address where
18 the motor vehicle was found when it was repossessed.

19 (b) A motor vehicle repossession agent must provide the
20 information described in subsection (a):

21 (1) before the repossession occurs; or

22 (2) not later than one (1) hour after the repossession.

23 Sec. 7. A motor vehicle repossession agent who violates section
24 6 of this chapter commits a Class C infraction.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 174, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 174 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 10, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 174, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 14, after "chapter," insert **""sheriff's department of the county" includes a consolidated law enforcement department established in IC 36-3-1-5.1.**

Sec. 5. As used in this chapter,"

Page 1, line 16, delete "5." and insert **"6."**

Page 1, line 17, delete "watercraft," and insert **"watercraft"**.

Page 2, line 1, delete "to a law enforcement agency" and insert **"to the sheriff's department of the county"**.

Page 2, line 20, delete "6." and insert **"7."**

Page 2, line 21, delete "5" and insert **"6"**.

and when so amended that said bill do pass.

(Reference is to SB 174 as printed January 28, 2009.)

LAWSON L, Chair

Committee Vote: yeas 10, nays 0.

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